

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 604**

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**Introduced by Assembly Member Olsen**  
**(Coauthors: Assembly Members Baker, Calderon, Cristina Garcia,**  
**Linder, Melendez, Mark Stone, and Waldron)**

February 24, 2015

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An act to amend ~~Section~~ *Sections 21113, 21967, and 21968* of, and to add Section 313.5 to, ~~and to add Article 7 (commencing with Section 21290) to Chapter 1 of Division 11 of,~~ the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 604, as amended, Olsen. Electrically motorized skateboards.

Existing law regulates the operation of bicycles, motorized scooters, and electric personal assistive mobility devices, as defined.

This bill would define the term “electrically motorized skateboard” and would provide that those devices are subject to the provisions of law applicable to a driver of a vehicle, except as specified. ~~By making the operation of an electrically motorized skateboard subject to existing laws, the violation of which are offenses, this bill would expand the scope of existing crimes, and impose a state-mandated local program. skateboard.”~~

~~The bill would make it an infraction for a person to operate an electrically motorized skateboard upon a highway while under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug. The bill would, subject to restrictions, authorize the operation of electrically motorized skateboards on highways, bikeways, and sidewalks, would require an~~

~~operator under 18 years of age to wear a helmet, and would require an operator to be at least 12 years of age in order to operate an electrically motorized skateboard on a highway or bikeway. The bill would prohibit the operation of an electrically motorized skateboard at a speed in excess of 20 miles per hour. The bill would require specified braking and lighting equipment for the operation of an electrically motorized skateboard. A violation of these provisions would be an infraction under existing law. By creating a new infraction and expanding the scope of existing crimes, this bill would impose a state-mandated local program.~~

*Existing law authorizes transit development boards and public agencies, including, but not limited to, the Regents of the University of California and the Trustees of the California State University, to adopt ordinances, rules, or regulations, respectively, to restrict, or specify the conditions for, the use of bicycles, motorized bicycles, skateboards, and roller skates on property under the control of, or any portion of property used by, the board, or on public property under the jurisdiction of the agency, respectively.*

*This bill would additionally authorize those boards and agencies to adopt ordinances, rules, and regulations, respectively, for the use of electrically motorized skateboards.*

*Existing law authorizes local authorities to adopt rules and regulations by ordinance or resolution prohibiting or restricting persons from riding or propelling skateboards on highways, sidewalks, or roadways.*

*This bill would additionally authorize local authorities to adopt rules and regulations by ordinance or resolution prohibiting or restricting persons from riding or propelling electrically motorized skateboards on highways, sidewalks, or roadways.*

Existing law makes it a crime to operate a motorized skateboard on any sidewalk, roadway, or any other part of a highway or on any bikeway, bicycle path or trail, equestrian trail, or hiking or recreational trail.

This bill would provide that an electrically motorized skateboard is not a motorized skateboard for those purposes.

~~The bill would state findings and declarations of the Legislature relative to electrically motorized skateboards.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~yes~~ no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 313.5 is added to the Vehicle Code, to  
2 read:

3 313.5. (a) An “electrically motorized skateboard” is any  
4 four-wheeled device that has a floorboard designed to be stood  
5 upon when riding that is not greater than 60 inches deep and 18  
6 inches wide, is designed to transport only one person, and has an  
7 electric propulsion system averaging less than 1000 watts, the  
8 maximum speed of which, when powered solely by a propulsion  
9 system on a paved level surface, is no more than 20 miles per hour.  
10 The device may be designed to also be powered by human  
11 propulsion.

12 (b) An electrically motorized skateboard does not include an  
13 electric personal assistive mobility device, as defined in Section  
14 313, a motorcycle, as defined in Section 400, a motor-driven cycle,  
15 as defined in Section 405, a motorized bicycle or moped, as defined  
16 in Section 406, or a motorized scooter, as defined in Section 407.5.

17 ~~SEC. 2. Article 7 (commencing with Section 21290) is added~~  
18 ~~to Chapter 1 of Division 11 of the Vehicle Code, to read:~~

19  
20 ~~Article 7. Operation of Electrically Motorized Skateboards~~  
21

22 ~~21290. (a) The Legislature finds and declares all of the~~  
23 ~~following:~~

24 ~~(1) This state has severe traffic congestion and air pollution~~  
25 ~~problems, particularly in its cities, and finding ways to reduce~~  
26 ~~these problems is of paramount importance.~~

27 ~~(2) Reducing the millions of single passenger automobile trips~~  
28 ~~of five miles or less that Californians take each year will~~  
29 ~~significantly reduce the pollution caused by fuel emissions and~~  
30 ~~aggravated by automobile congestion.~~

31 ~~(3) Electrically motorized skateboards enable California~~  
32 ~~businesses, public officials, and individuals to travel farther and~~  
33 ~~carry more without the use of traditional vehicles, thereby~~

1 promoting gains in productivity, minimizing environmental  
2 impacts, and facilitating better use of public ways.

3 (b) The Legislature is enacting this article as part of its program  
4 to promote the use of zero-emission transportation.

5 21292. For purposes of this article, an electrically motorized  
6 skateboard is defined in Section 313.5.

7 21294. A person operating an electrically motorized skateboard  
8 upon a highway has all the rights and is subject to all the provisions  
9 applicable to the driver of a vehicle by this division, including, but  
10 not limited to, provisions concerning driving under the influence  
11 of alcoholic beverages or drugs, and by Division 10 (commencing  
12 with Section 20000), Division 17 (commencing with Section  
13 40000.1), and Division 18 (commencing with Section 42000);  
14 except those provisions which, by their very nature, can have no  
15 application.

16 21296. (a) Notwithstanding Section 21294, it is unlawful for  
17 a person to operate an electrically motorized skateboard upon a  
18 highway while under the influence of an alcoholic beverage or any  
19 drug, or under the combined influence of an alcoholic beverage  
20 and any drug.

21 (b) A person arrested for a violation of this section may request  
22 to have a chemical test made of the person's blood or breath for  
23 the purpose of determining the alcoholic or drug content of that  
24 person's blood pursuant to subdivision (d) of Section 23612, and,  
25 if so requested, the arresting officer shall have the test performed.

26 (c) A conviction of a violation of this section shall be punished  
27 by a fine of not more than two hundred fifty dollars (\$250).

28 21298. Notwithstanding any other law, an electrically  
29 motorized skateboard may be operated on a bikeway, unless the  
30 local authority or the governing body of a local agency having  
31 jurisdiction over that bikeway prohibits that operation by ordinance.

32 21300. (a) Whenever a Class II or Class IV bikeway has been  
33 established on a roadway, a person operating an electrically  
34 motorized skateboard upon the roadway shall ride within the  
35 bikeway, except that the person may move out of the bikeway  
36 under any of the following situations:

37 (1) When overtaking and passing another vehicle or pedestrian  
38 within the bikeway or when about to enter the bikeway if the  
39 overtaking and passing cannot be done safely within the bikeway.

1     ~~(2) When preparing for a left turn, the operator shall stop and~~  
2     ~~dismount as close as practicable to the right-hand curb or right~~  
3     ~~edge of the roadway and complete the turn by crossing the roadway~~  
4     ~~on foot, subject to the restrictions placed on pedestrians in Chapter~~  
5     ~~5 (commencing with Section 21949).~~

6     ~~(3) When reasonably necessary to leave the bikeway to avoid~~  
7     ~~debris or other hazardous conditions.~~

8     ~~(4) When approaching a place where a right turn is authorized.~~

9     ~~(b) A person operating an electrically motorized skateboard~~  
10    ~~shall not leave a bicycle lane until the movement can be made with~~  
11    ~~reasonable safety, and then only after giving an appropriate signal~~  
12    ~~in the manner provided in Chapter 6 (commencing with Section~~  
13    ~~22100) if a vehicle may be affected by the movement.~~

14    ~~21302. (a) Except as provided in subdivision (b), a person~~  
15    ~~operating an electrically motorized skateboard upon a highway at~~  
16    ~~a speed less than the normal speed of traffic moving in the same~~  
17    ~~direction at that time shall ride as close as practicable to the~~  
18    ~~right-hand curb or right edge of the roadway, except under the~~  
19    ~~following situations:~~

20    ~~(1) When overtaking and passing another vehicle proceeding~~  
21    ~~in the same direction.~~

22    ~~(2) When preparing for a left turn, the operator shall stop and~~  
23    ~~dismount as close as practicable to the right-hand curb or right~~  
24    ~~edge of the roadway and complete the turn by crossing the roadway~~  
25    ~~on foot, subject to the restrictions placed on pedestrians in Chapter~~  
26    ~~5 (commencing with Section 21949).~~

27    ~~(3) (A) When reasonably necessary to avoid conditions,~~  
28    ~~including, but not limited to, fixed or moving objects, vehicles,~~  
29    ~~bicycles, pedestrians, animals, surface hazards, or substandard~~  
30    ~~width lanes, which make it unsafe to continue along the right-hand~~  
31    ~~curb or right edge of the roadway, subject to Section 21656.~~

32    ~~(B) For the purposes of paragraph (1), a "substandard width~~  
33    ~~lane" is a lane that is too narrow for an electrically motorized~~  
34    ~~skateboard and another vehicle to travel safely side by side within~~  
35    ~~the lane.~~

36    ~~(b) A person operating an electrically motorized skateboard~~  
37    ~~upon a highway that carries traffic in one direction only and has~~  
38    ~~two or more marked traffic lanes may operate the electrically~~  
39    ~~motorized skateboard as near the left-hand curb or left edge of that~~  
40    ~~roadway as practicable. However, when preparing for a right turn,~~

1 the operator shall stop and dismount as close as practicable to the  
2 left-hand curb or left edge of the highway and complete the turn  
3 by crossing the roadway on foot, subject to the restrictions placed  
4 on pedestrians in Chapter 5 (commencing with Section 21949):

5 21304. The operator of an electrically motorized skateboard  
6 shall not do any of the following:

7 (a) Operate an electrically motorized skateboard unless it is  
8 equipped with a brake or braking function that will enable the  
9 operator to make a braked wheel skid on dry, level, clean pavement.

10 (b) Operate an electrically motorized skateboard on a highway  
11 with a speed limit in excess of 25 miles per hour unless the  
12 electrically motorized skateboard is operated within a Class II or  
13 Class IV bikeway.

14 (c) Operate an electrically motorized skateboard without wearing  
15 a properly fitted and fastened bicycle helmet that meets the  
16 standards described in Section 21212, if the operator is under 18  
17 years of age.

18 (d) Operate an electrically motorized skateboard with any  
19 passengers in addition to the operator.

20 (e) Operate an electrically motorized skateboard upon a sidewalk  
21 at a speed in excess of five miles per hour or the pace of pedestrian  
22 traffic, whichever is slower, except as may be necessary to enter  
23 or leave adjacent property.

24 (f) Leave or park an electrically motorized skateboard on any  
25 sidewalk, in any position, so that there is not an adequate path for  
26 pedestrian traffic.

27 (g) Attach the electrically motorized skateboard or operator,  
28 while on the roadway, by any means, to any other vehicle on the  
29 roadway.

30 (h) Operate an electrically motorized skateboard on a highway  
31 or bikeway if the operator is under 12 years of age.

32 (i) Operate an electrically motorized skateboard at a speed in  
33 excess of 20 miles per hour.

34 21306. An electrically motorized skateboard operated upon a  
35 highway or bikeway during darkness shall be equipped with the  
36 following:

37 (a) A lamp or lamp combination, emitting a white light, attached  
38 to either the electrically motorized skateboard or the operator and  
39 visible from a distance of 300 feet in front and from the sides of  
40 the electrically motorized skateboard.

1     ~~(b) Either a red reflector, or reflectorized material meeting the~~  
2     ~~requirements of Section 25500, attached to the operator, or a lamp~~  
3     ~~or lamp combination, emitting red light attached to the electrically~~  
4     ~~motorized skateboard, and visible from a distance of 500 feet to~~  
5     ~~the rear when directly in front of lawful upper beams of headlamps~~  
6     ~~on a motor vehicle.~~

7     ~~21308. (a) A person operating an electrically motorized~~  
8     ~~skateboard is not subject to the provisions of this code relating to~~  
9     ~~financial responsibility, registration, and license plate requirements;~~  
10    ~~and, for those purposes, an electrically motorized skateboard is~~  
11    ~~not a motor vehicle.~~

12    ~~(b) An electrically motorized skateboard is exempt from the~~  
13    ~~equipment requirements in Division 12 (commencing with Section~~  
14    ~~24000), except for Sections 24003 and 27400, Article 4~~  
15    ~~(commencing with Section 27450) of Chapter 5 of Division 12,~~  
16    ~~and Section 27602.~~

17    ~~(c) Notwithstanding subdivision (b), an electrically motorized~~  
18    ~~skateboard may be equipped with equipment authorized by~~  
19    ~~Division 12 (commencing with Section 24000).~~

20    ~~(d) An electrically motorized skateboard equipped with lighting~~  
21    ~~equipment that is authorized by Division 12 (commencing with~~  
22    ~~Section 24000) shall meet the lighting requirements in Article 1~~  
23    ~~(commencing with Section 24250) of Chapter 2 of Division 12 for~~  
24    ~~that equipment.~~

25    ~~21310. This article does not prevent a local authority, by~~  
26    ~~ordinance, from regulating the registration of electrically motorized~~  
27    ~~skateboards and the parking and operation of electrically motorized~~  
28    ~~skateboards on pedestrian or bicycle facilities and local streets and~~  
29    ~~highways, if that regulation is not in conflict with this code.~~

30    ~~21312. If the operator of an electrically motorized skateboard~~  
31    ~~is injured or causes injury to another person or property, arising~~  
32    ~~out of the operator's failure to adhere to the limitations and~~  
33    ~~restrictions included in this article, the local government authority~~  
34    ~~having jurisdiction over the street where the injury occurred shall~~  
35    ~~be immune from liability for the injury, except as otherwise~~  
36    ~~provided by law.~~

37    ~~SEC. 2. Section 21113 of the Vehicle Code is amended to read:~~

38    ~~21113. (a) A person shall not drive a vehicle or animal, or~~  
39    ~~stop, park, or leave standing a vehicle or animal, whether attended~~  
40    ~~or unattended, upon the driveways, paths, parking facilities, or the~~

1 grounds of any public school, state university, state college, unit  
2 of the state park system, county park, municipal airport, rapid  
3 transit district, transit development board, transit district, public  
4 transportation agency, county transportation commission created  
5 pursuant to Section 130050 of the Public Utilities Code, joint  
6 powers agency operating or managing a commuter rail system, or  
7 any property under the direct control of the legislative body of a  
8 municipality, or a state, county, or hospital district institution or  
9 building, or an educational institution exempted, in whole or in  
10 part, from taxation, or any harbor improvement district or harbor  
11 district formed pursuant to Part 2 (commencing with Section 5800)  
12 or Part 3 (commencing with Section 6000) of Division 8 of the  
13 Harbors and Navigation Code, a district organized pursuant to Part  
14 3 (commencing with Section 27000) of Division 16 of the Streets  
15 and Highways Code, or state grounds served by the Department  
16 of the California Highway Patrol, or any property under the  
17 possession or control of a housing authority formed pursuant to  
18 Article 2 (commencing with Section 34240) of Chapter 1 of Part  
19 2 of Division 24 of the Health and Safety Code, except with the  
20 permission of, and upon and subject to any condition or regulation  
21 that may be imposed by, the legislative body of the municipality,  
22 or the governing board or officer of the public school, state  
23 university, state college, county park, municipal airport, rapid  
24 transit district, transit development board, transit district, public  
25 transportation agency, county transportation commission, joint  
26 powers agency operating or managing a commuter rail system, or  
27 state, county, or hospital district institution or building, or  
28 educational institution, or harbor district, or a district organized  
29 pursuant to Part 3 (commencing with Section 27000) of Division  
30 16 of the Streets and Highways Code, or housing authority, or the  
31 Director of Parks and Recreation regarding units of the state park  
32 system or the state agency with jurisdiction over the grounds served  
33 by the Department of the California Highway Patrol.

34 (b) A governing board, legislative body, or officer shall erect  
35 or place appropriate signs giving notice of any special conditions  
36 or regulations that are imposed under this section and the governing  
37 board, legislative body, or officer shall also prepare and keep  
38 available at the principal administrative office of the governing  
39 board, legislative body, or officer, for examination by all interested



1 persons, a written statement of all those special conditions and  
2 regulations adopted pursuant to this section.

3 (c) When a governing board, legislative body, or officer permits  
4 public traffic upon the driveways, paths, parking facilities, or  
5 grounds under their control then, except for those conditions  
6 imposed or regulations enacted by the governing board, legislative  
7 body, or officer applicable to the traffic, all the provisions of this  
8 code relating to traffic upon the highways shall be applicable to  
9 the traffic upon the driveways, paths, parking facilities, or grounds.

10 (d) A public transportation agency that imposes any condition  
11 or regulation upon a person who parks or leaves standing a vehicle,  
12 pursuant to subdivision (a), is authorized to do either of the  
13 following:

14 (1) Enforce that condition or regulation in the manner provided  
15 in Article 3 (commencing with Section 40200) of Chapter 1 of  
16 Division 17 of this code. The public transportation agency shall  
17 be considered the issuing agency for that purpose.

18 (2) Designate regularly employed and salaried employees, who  
19 are engaged in directing traffic or enforcing parking laws and  
20 regulations, for the purpose of removing any vehicle in the same  
21 manner as a city, county, or jurisdiction of a state agency pursuant  
22 to Chapter 10 (commencing with Section 22650) of Division 11  
23 of this code.

24 (e) With respect to the permitted use of vehicles or animals on  
25 property under the direct control of the legislative body of a  
26 municipality, no change in the use of vehicles or animals on the  
27 property, that had been permitted on January 1, 1976, shall be  
28 effective unless and until the legislative body, at a meeting open  
29 to the general public, determines that the use of vehicles or animals  
30 on the property should be prohibited or regulated.

31 (f) A transit development board may adopt ordinances, rules,  
32 or regulations to restrict, or specify the conditions for, the use of  
33 bicycles, motorized bicycles, skateboards, *electrically motorized*  
34 *skateboards*, and roller skates on property under the control of, or  
35 any portion of property used by, the board.

36 (g) A public agency, including, but not limited to, the Regents  
37 of the University of California and the Trustees of the California  
38 State University, may adopt rules or regulations to restrict, or  
39 specify the conditions for, the use of bicycles, motorized bicycles,

1 skateboards, *electrically motorized skateboards*, and roller skates  
2 on public property under the jurisdiction of that agency.

3 (h) “Housing authority,” for the purposes of this section, means  
4 a housing authority located within a county with a population of  
5 over six million people, and any other housing authority that  
6 complies with the requirements of this section.

7 (i) “Public transportation agency,” for purposes of this section,  
8 means a public agency that provides public transportation as  
9 defined in paragraph (1) of subdivision (f) of Section 1 of Article  
10 XIX A of the California Constitution.

11 *SEC. 3. Section 21967 of the Vehicle Code is amended to read:*

12 21967. Except as provided in Section 21968, a local authority  
13 may adopt rules and regulations by ordinance or resolution  
14 prohibiting or restricting persons from riding or propelling  
15 ~~skateboards~~ *skateboards, or electrically motorized skateboards*,  
16 on highways, sidewalks, or roadways.

17 ~~SEC. 3.~~

18 *SEC. 4. Section 21968 of the Vehicle Code is amended to read:*

19 21968. (a) A motorized skateboard shall not be propelled on  
20 any sidewalk, roadway, or any other part of a highway or on any  
21 bikeway, bicycle path or trail, equestrian trail, or hiking or  
22 recreational trail.

23 (b) For purposes of this section, an electrically motorized  
24 skateboard, as defined in Section 313.5, is not a motorized  
25 skateboard.

26 ~~SEC. 4. No reimbursement is required by this act pursuant to~~  
27 ~~Section 6 of Article XIII B of the California Constitution because~~  
28 ~~the only costs that may be incurred by a local agency or school~~  
29 ~~district will be incurred because this act creates a new crime or~~  
30 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
31 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
32 ~~the Government Code, or changes the definition of a crime within~~  
33 ~~the meaning of Section 6 of Article XIII B of the California~~  
34 ~~Constitution.~~